Sr. No.	Date	Orders

36

%09.11.2006

Present: Capt. R.S. Dhull, Advocate, for the petitioner.
Capt. S.S. Pandey, Advocate, for the respondents.

+ **WP(C) No. 15368/2006**
*

The learned counsel appearing for the respondents has very fairly stated that the plea taken up by the petitioner that the Central Defence Account (Pensions), Allahabad, had no jurisdiction to reduce the percentage of disability pension of the petitioner from 70% to 60% (i.e. a reduction of 10%) is correct. In view of the judgment of this Court in the case of *Ex. Signalman Shri Bhagwan vs. Union of India and Ors.* 103 (2003) DLT 269 (DB), the petitioner would be entitled to receive the disability pension @ 70%, but the arrears should be restricted to last three years from the date of filing of this petition with right to the respondents to subject the petitioner, if necessary, to a Re-Survey Medical Board.

We find that the stand taken by the respondents is fair, just, equitable and is in consonance with the judgments of the Supreme Court and this Court. Consequently, this writ petition is disposed of with direction to the respondents to grant to the petitioner, the disability pension with disability element being 70%. However, the arrears recoverable by the

Signature Not Verified
Digitally Signed By:AMIT ARORA
Signing Date:07.10.2023 20:49
This Digital Copy and Physical Copy have been compared and the digital copy is as per the physical file and no page is missing.

Sr. No.	Date	Orders

petitioner would be restricted for a period of 3 years immediately preceding filing of the present writ petition. Right of the respondents to subject the petitioner to a Re-Survey Medical Board is kept open.

The payment of disability pension to the petitioner in accordance with the Rules be made within a period of 3 months from the date of passing of this order.

Accordingly, the writ petition stands disposed of. Parties are left to bear their own costs.

File be consigned to the Record Room.

SWATANTER KUMAR, J.

G.S. SISTANI, J.

November 09, 2006
sk

— Fresh C.M. 11494/06 for Correction by by petitioner.